

Appendix B.
Attorney General Guidelines for Victim and
Witness Assistance (2000 Ed.) Chart

ATTORNEY GENERAL GUIDELINES FOR VICTIM AND WITNESSES

INVESTIGATIVE COMPONENT

PROSECUTORIAL COMPONENT

RESPONSIBILITIES

• AT EARLIEST OPPORTUNITY

- (1) Identify victims (Art IV.A.2) (42 U.S.C. §10607(b)(1))
- (2) Assist victims in contacting sources for services listed in (3) below (Art IV.A.3.a(2)) (42 U.S.C. §10607(c)(1)(D))

• DURING INVESTIGATION

- (1) Arrange for reasonable protection (includes providing information on the remedies for intimidation and harassment) (Art IV.A.3.b) (42 U.S.C. §10607(c)(2))
- (2) Property (maintain property seized as evidence and return when no longer needed) (Art IV.A.3.c) (42 U.S.C. §10607(c)(6))
- (3) Notify victims' employers and creditors upon request (Art IV.A.3.d) (Pub L. 97-291 §6(a)(8))
- (4) Provide information and assistance for transportation, parking, translator services, and related services (Art IV.A.3.f) (Pub L. 97-291 §6(a)(10))

• DURING PROSECUTION

- (1) At court proceedings provide a separate waiting area for victims (Art IV.B.2.c) (42 U.S.C. §10607(C)(4))

- (5) Make referrals (Art IV.B.2.a(4)) (42 U.S.C. §10607(c)(1)(D))

- (7) Protect victim privacy (Art IV.B.2.e)

- (6) Government attorney consults with victim. Make reasonable efforts to consult about proposed plea negotiations. (Art IV.B.2.b) (42 U.S.C. §10606(b)(5))

- (8) Change of venue — explore televising proceedings (Art IV.B.2.i) (42 U.S.C. §10608)

- (2) Notify victims' employers and creditors upon request (Art IV.B.2.d) (Pub. L. 97-291 §6(a)(8))

- (3) Provide information and assistance for transportation, parking, translator services and related services (Art IV.B.2.f) (Pub. L. 97-291 §6(a)(10))

- (4) Provide general information about proceedings (Art IV.B.2.a(3)) (Pub. L. 97-291 §6(a)(1)(C) and (D))

NOTICE

- (3) Initial notice: Notify victims of: (Art IV.A.3.a(1)) (42 U.S.C. §10607(b)(2))

- a) Right to services (Art IV.A.3.a(1)(a)) (42 U.S.C. §10607(b)(2))

- b) VWC's name & phone number (Art IV.A.3.a(1)(b)) (42 U.S.C. §10607(b)(3))

- c) Place to receive emergency medical and social services (Art IV.A.3.a(1)(c)) (42 U.S.C. §10607(c)(1)(A))

- d) Programs for counseling and support (Art IV.A.3.a(1)(e)) (42 U.S.C. §10607(c)(1)(C))

- e) Compensation & restitution and how to obtain (Art IV.A.3.a(1)(d)) (42 U.S.C. §10607(c)(1)(B))

• NOTICE REGARDING MAJOR CASE EVENTS

Status of investigation (Art IV.A.3.a(3)(a)) (Including decision not to prosecute) (42 U.S.C. §10607(c)(3)(A))

Arrest (Art IV.A.3.a(3)(b)) (42 U.S.C. §10607(c)(3)(B))

Release or detention status/diversion (Art IV.B.2.a(1)(a) and (b)) (42 U.S.C. §10607(c)(3)(E))

Filing or dismissal of charges (Art IV.B.2.a(1)(b)) (42 U.S.C. §10607(c)(3)(C))

Schedule for all public court proceedings and notice of schedule changes (Art IV.B.2.a(1)(c)) (NOTE: Victims have qualified right to be present) (Art III(4)) (42 U.S.C. §10607(c)(3)(D)) and (Art IV.B.2.a(2)) (18 U.S.C. §3510(a))

Terms of any negotiated plea or trial verdict (Art IV.B.2.a(1)(d)) (42 U.S.C. §10607(c)(3)(F))

ADDITIONAL RESPONSIBILITIES IN CERTAIN TYPES OF CASES

• IN CERTAIN TYPES OF CASES

Domestic violence cases

Inform victim of right to make a statement about release (Art IV.A.3.a(1)(c)) (18 U.S.C. §2263)

Inform victim of right to be heard regarding release (Art IV.B.2.h) (18 U.S.C. §2263)

Sex offense cases

Notify victim of right to have DOJ pay for 2 STD tests and counseling (Art IV.A.3.a(1)(f)) (42 U.S.C. §10607(c)(7))

DOJ pays for forensic medical examination (Art IV.A.3.e) (42 U.S.C. §10607(c)(7))

Notify victim that defendant may be tested for HIV (Art IV.B.2.g) (42 U.S.C. §14011)

Child abuse suspected

Reporter obligations (Art II.D) (42 U.S.C. §13031(d))

Reporter obligations (Art II.D)

Child victims and witnesses

See 18 U.S.C. §3509 — many specialized provisions

See 18 U.S.C. §3509

DOJ employees

Refer to Employee Assistance Program

GENERAL GUIDELINES FOR VICTIM AND WITNESS ASSISTANCE (2000 ED.)

CORRECTIONS COMPONENT

PROSECUTORIAL COMPONENT

- **DURING PROSECUTION**

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| (1) At court proceedings provide a separate waiting area for victims (Art IV.B.2.c) (42 U.S.C. §10607(C)(4)) | (5) Make referrals (Art IV.B.2.a(4)) (42 U.S.C. §10607(c)(1)(D)) | (7) Protect victim privacy (Art IV.B.2.e) | (9) Make victim information available to probation officer (Art IV.B.3.a(2)) |
| (2) Notify victims' employers and creditors upon request (Art IV.B.2.d) (Pub. L. 97-291 §6(a)(8)) | (6) Government attorney consults with victim. Make reasonable efforts to consult about proposed plea negotiations. (Art IV.B.2.b) (42 U.S.C. §10606(b)(5)) | (8) Change of venue — explore televising proceedings (Art IV.B.2.i) (42 U.S.C. §10608) | (10) Advocate victims' interests at sentencing (Art IV.B.3.b(1)) |
| (3) Provide information and assistance for transportation, parking, translator services and related services (Art IV.B.2.f) (Pub. L. 97-291 §6(a)(10)) | | | |
| (4) Provide general information about proceedings (Art IV.B.2.a(3)) (Pub. L. 97-291 §6(a)(1)(C) and (D)) | | | |

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graph LR
 A["Release or detention status/diversion
(Art IV.B.2.a(1)(a) and (b))
(42 U.S.C. §10607(c)(3)(E))"] --> B["Filing or dismissal of charges
(Art IV.B.2.a(1)(b))
(42 U.S.C. §10607(c)(3)(C))"]
 B --> C["Schedule for all public court proceedings and notice of schedule changes
(Art IV.B.2.a(1)(c))
(NOTE: Victims have qualified right to be present) (Art III(4))
(42 U.S.C. §10607(c)(3)(D)) and (Art IV.B.2.a(2))
(18 U.S.C. §3510(a))"]
 C --> D["Terms of any negotiated plea or trial verdict
(Art IV.B.2.a(1)(d))
(42 U.S.C. §10607(c)(3)(F))"]
 D --> E["Date of sentencing hearing & the sentence imposed
(Art IV.B.2.a(1)(e)) (42 U.S.C. §10607(c)(3)(G))"]
 E --> F["Post-sentencing notification of appeals and collateral attacks (Art IV.B.2.a(5))"]
 E --> G["a) Opportunity to present victim impact statement in PSI (Art IV.B.3.a(1)(a)) (FRCrimP32(a)(4)(D))"]
 E --> H["b) How to communicate with probation officer (Art IV.B.3.a(1)(b))"]
 E --> I["c) Death penalty cases notify family of opportunity to address court (Art IV.B.3.b(3))"]
 E --> J["d) Inform victim of right to mandatory restitution and procedure to follow to obtain (see Art V) & (18 U.S.C. §§3663, 3663A, et seq.)"]

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- The flowchart illustrates the criminal justice process, starting with 'Release or detention status/diversion' and ending with 'Post-sentencing notification of appeals and collateral attacks'. The process is divided into six main stages, each with specific legal references. The final stage, 'Date of sentencing hearing & the sentence imposed', includes four sub-points: 'a) Opportunity to present victim impact statement in PSI', 'b) How to communicate with probation officer', 'c) Death penalty cases notify family of opportunity to address court', and 'd) Inform victim of right to mandatory restitution and procedure to follow to obtain (see Art V) & (18 U.S.C. §§3663, 3663A, et seq.)'.
- Release or detention status/diversion (Art IV.B.2.a(1)(a) and (b)) (42 U.S.C. §10607(c)(3)(E))
- Filing or dismissal of charges (Art IV.B.2.a(1)(b)) (42 U.S.C. §10607(c)(3)(C))
- Schedule for all public court proceedings and notice of schedule changes (Art IV.B.2.a(1)(c)) (NOTE: Victims have qualified right to be present) (Art III(4)) (42 U.S.C. §10607(c)(3)(D)) and (Art IV.B.2.a(2)) (18 U.S.C. §3510(a))
- Terms of any negotiated plea or trial verdict (Art IV.B.2.a(1)(d)) (42 U.S.C. §10607(c)(3)(F))
- Date of sentencing hearing & the sentence imposed (Art IV.B.2.a(1)(e)) (42 U.S.C. §10607(c)(3)(G))
- Post-sentencing notification of appeals and collateral attacks (Art IV.B.2.a(5))
- a) Opportunity to present victim impact statement in PSI (Art IV.B.3.a(1)(a)) (FRCrimP32(a)(4)(D))
- b) How to communicate with probation officer (Art IV.B.3.a(1)(b))
- c) Death penalty cases notify family of opportunity to address court (Art IV.B.3.b(3))
- d) Inform victim of right to mandatory restitution and procedure to follow to obtain (see Art V) & (18 U.S.C. §§3663, 3663A, et seq.)

• NOTICE

- (1) General information about the corrections process (Art IV.C.2.a(1))  
(42 U.S.C. § 10607(c)(8))
- (2) Notify victim of offender release information including the scheduling of any release hearing, escape, work release, furlough or death of offender (Art IV.C.2.a(2))  
(42 U.S.C. § 10607(c)(5))

- Inform victim of right to be heard regarding release (Art IV.B.2.h) (18 U.S.C. §2263)

- Notify victim that defendant may be tested for HIV (Art IV.B.2.g) (42 U.S.C. §14011)

- At sentencing, prosecutors must advocate to court for victims of violent crime and sexual abuse right to make a statement to the court or present any information regarding the sentence (Art IV.B.3.b(2)) (FRCrimP32(c)(3)(E))

- Reporter obligations (Art II.D)

Reporter obligations (Art II.D)

➤ See 18 U.S.C. §3509

Refer to Employee Assistance Program

D AND IS NOT INTENDED TO BE AN EXHAUSTIVE LIST OF ALL FEDERAL VICTIMS' RIGHTS PROVISIONS. FOR MORE EXPLANATION, SEE THE CITED SOURCES.